

AMENDED IN ASSEMBLY AUGUST 19, 2015

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JULY 2, 2015

AMENDED IN ASSEMBLY JUNE 22, 2015

AMENDED IN SENATE APRIL 30, 2015

AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 792

Introduced by Senator Mendoza

February 27, 2015

An act to amend Sections 1597.055 and 1597.54 of, and to add Sections 1596.7995 and 1597.622 to, the Health and Safety Code, relating to day care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, Mendoza. Day care facilities: immunizations: exemptions.

Existing law, the California Child Day Care Facilities Act, provides for the licensure and regulation of day care centers, as defined, and family day care homes, as defined, by the State Department of Social Services. A violation of the act is a crime. Existing law requires a child to be immunized prior to admission to a day care center or family day care home. Existing law authorizes an exemption from those provisions for medical reasons or because of personal beliefs, if specified forms are submitted to the day care center or family day care home. *Existing law requires an applicant for licensure as a family day care home to*

present evidence of a current tuberculosis clearance for any adult in the home during the time that children are under care.

This bill, commencing September 1, 2016, would prohibit a day care center or a family day care home from employing any person who has not been immunized against influenza, pertussis, and measles. The bill would specify circumstances under which a person would be exempt from the immunization requirement, based on medical safety, current immunity, declining the influenza vaccination, or the date upon which he or she was hired, as specified. The bill would make conforming changes to provisions that set forth qualifications for day care center teachers and applicants for licensure as a family day care home. The bill would provide that a violation of these provisions would not be subject to a crime. *The bill would require any person hired as a teacher in a day care center to present evidence of a current tuberculosis clearance, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1596.7995 is added to the Health and
- 2 Safety Code, to read:
- 3 1596.7995. (a) Commencing September 1, 2016, a person
- 4 shall not be employed at a day care center if he or she has not been
- 5 immunized against influenza, pertussis, and measles. An employee
- 6 shall receive an influenza vaccination between August 1 and
- 7 December 1 of each year.
- 8 (b) A person is exempt from the requirements of this section
- 9 only under any of the following circumstances:
- 10 (1) The person submits a written statement from a licensed
- 11 physician declaring that because of the person's physical condition
- 12 or medical circumstances, immunization is not safe.
- 13 (2) The person submits a written statement from a licensed
- 14 physician providing that the person has evidence of current
- 15 immunity to the diseases described in subdivision (a).
- 16 (3) The person submits a written declaration that he or she has
- 17 declined the influenza vaccination. This exemption applies only
- 18 to the influenza vaccine.
- 19 (4) The person was hired after December 1 of the previous year
- 20 and before August 1 of the current year. This exemption applies

1 only to the influenza ~~vaccine~~; *vaccine during the first year of*
2 *employment.*

3 (c) Section 1596.890 does not apply to a violation of this section.

4 SEC. 2. Section 1597.055 of the Health and Safety Code is
5 amended to read:

6 1597.055. (a) Notwithstanding any other educational
7 requirements, a person may be hired as a teacher in a day care
8 center if he or she satisfies all of the following conditions:

9 (1) Is 18 years of age or older.

10 (2) Possesses a regional occupation program certificate of
11 training in child care occupations issued by a regional occupational
12 program which is accredited by the Western Association of Schools
13 and Colleges.

14 (3) Has completed at least 95 hours of classroom instruction
15 in child care and development and child care occupations and at
16 least 150 hours in supervised field experience in a licensed day
17 care center or comparable group child care program.

18 (4) Commencing September 1, 2016, has provided evidence of
19 current ~~immunity~~; *immunity or exemption from immunity*, as
20 described in Section 1596.7995.

21 (5) *Has provided evidence of a current tuberculosis clearance,*
22 *as defined in Section 102369 of Title 22 of the California Code of*
23 *Regulations. This requirement may be satisfied by a current*
24 *certificate, as defined in subdivision (f) of Section 121525, that*
25 *indicates freedom from infectious tuberculosis as set forth in*
26 *Section 121525.*

27 (b) Subsequent to being hired pursuant to subdivision (a), a
28 teacher shall make satisfactory progress towards meeting the
29 educational requirement for a fully qualified teacher, as specified
30 in departmental regulations. For purposes of this section,
31 “satisfactory progress” shall mean completion, with passing grades,
32 of a minimum of two units each semester or the equivalent number
33 of units each quarter until the educational requirement is satisfied.
34 Six of the required semester or equivalent number of quarter units
35 of early childhood education from an accredited university or
36 college shall be completed during the next two consecutive regular
37 semesters or equivalent quarters.

38 (c) A teacher hired pursuant to this section shall not be exempt
39 from satisfying any other noneducation requirements imposed by
40 law on teachers in day care centers and shall have onsite

1 supervision by a fully qualified teacher until six of the units
2 specified in subdivision (b) are completed.

3 SEC. 3. Section 1597.54 of the Health and Safety Code is
4 amended to read:

5 1597.54. All family day care homes for children, shall apply
6 for a license under this chapter, except that any home which on
7 June 28, 1981, had a valid and unexpired license to operate as a
8 family day care home for children under other provisions of law
9 shall be deemed to have a license under this chapter for the
10 unexpired term of the license at which time a new license may be
11 issued upon fulfilling the requirements of this chapter.

12 An applicant for licensure as a family day care home for children
13 shall file with the department, pursuant to its regulations, an
14 application on forms furnished by the department, which shall
15 include, but not be limited to, all of the following:

16 (a) A brief statement confirming that the applicant is financially
17 secure to operate a family day care home for children. The
18 department shall not require any other specific or detailed financial
19 disclosure.

20 (b) (1) Evidence that the small family day care home contains
21 a fire extinguisher or smoke detector device, or both, which meets
22 standards established by the State Fire Marshal under subdivision
23 (d) of Section 1597.45, or evidence that the large family day care
24 home meets the standards established by the State Fire Marshal
25 under subdivision (d) of Section 1597.46.

26 (2) Evidence satisfactory to the department that there is a fire
27 escape and disaster plan for the facility and that fire drills and
28 disaster drills will be conducted at least once every six months.
29 The documentation of these drills shall be maintained at the facility
30 on a form prepared by the department and shall include the date
31 and time of the drills.

32 (c) The fingerprints of any applicant of a family day care home
33 license, and any other adult, as required under subdivision (b) of
34 Section 1596.871.

35 (d) Evidence of a current tuberculosis clearance, as defined in
36 regulations that the department shall adopt, for any adult in the
37 home during the time that children are under care. *This requirement*
38 *may be satisfied by a current certificate, as defined in subdivision*
39 *(f) of Section 121525, that indicates freedom from infectious*
40 *tuberculosis as set forth in Section 121525.*

1 (e) Commencing September 1, 2016, evidence of current
2 ~~immunity~~, *immunity or exemption from immunity*, as described in
3 Section 1597.622, for the applicant and any other person who
4 provides care and supervision to the children.

5 (f) Evidence satisfactory to the department of the ability of the
6 applicant to comply with this chapter and Chapter 3.4 (commencing
7 with Section 1596.70) and the regulations adopted pursuant to
8 those chapters.

9 (g) Evidence satisfactory to the department that the applicant
10 and all other persons residing in the home are of reputable and
11 responsible character. The evidence shall include, but not be limited
12 to, a criminal record clearance pursuant to Section 1596.871,
13 employment history, and character references.

14 (h) Failure of the applicant to cooperate with the licensing
15 agency in the completion of the application shall result in the denial
16 of the application. Failure to cooperate means that the information
17 described in this section and in regulations of the department has
18 not been provided, or not provided in the form requested by the
19 licensing agency, or both.

20 (i) Other information as may be required by the department for
21 the proper administration and enforcement of the act.

22 SEC. 4. Section 1597.622 is added to the Health and Safety
23 Code, to read:

24 1597.622. (a) Commencing September 1, 2016, a person shall
25 not be employed at a family day care home if he or she has not
26 been immunized against influenza, pertussis, and measles. An
27 employee shall receive an influenza vaccination between August
28 1 and December 1 of each year.

29 (b) A person is exempt from the requirements of this section
30 only under any of the following circumstances:

31 (1) The person submits a written statement from a licensed
32 physician declaring that because of the person's physical condition
33 or medical circumstances, immunization is not safe.

34 (2) The person submits a written statement by a licensed
35 physician providing that the person has evidence of current
36 immunity to the diseases described in subdivision (a).

37 (3) The person submits a written declaration that he or she has
38 declined the influenza vaccination. This exemption applies only
39 to the influenza vaccine.

1 (4) The person was hired after December 1 of the previous year
2 and before August 1 of the current year. This exemption applies
3 only to the influenza-~~vaccine~~. *vaccine during the first year of*
4 *employment.*

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